(B)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH
AT BILASPUR

Single Bench

W.P.No.4906 / 2005

Petitioner : R.S.Tegar, S/o Late Shri Kunchi Ram Tegar, Aged about 57 years, Presently working as Sub-Divisional Forest Officer, Sub-Division Kelhari, Division-Manendragarh, District – Korea (CG) Permanent R/o Bhartiya Nagar, Bilaspur (CG)

P.R. No. 5176/05
Presented by Sri Kunal Das
dated 4/10/05

Versus

Respondents :

1) State of Chhattisgarh – Through the Secretary, Forest Department, DKS Bhawan, Raipur (C.G.)

2) The Principal Chief Conservator of Forest, Raipur (CG)

3) The Conservator of Forest, Ambikapur, District – Surguja (CG)

4) The Divisional Forest Officer, Manendragarh, District – Korea (CG)

5) Shri S.D.Tiwari, Attached Officer, O/o Divisional forest Office, South Surguja, Ambikapur (In the impugned order his posting has been shown as Attached Officer, O/o Conservator of Forest , Surguja Circle)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(920)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4906 of 2005

Petitioner R. S. Tegar

Versus

Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri P. Diwakar, Senior Advocate with Shri P. R. Patankar, Advocate for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the respondents No. 1 to 4.

Shri Jitendra Pali, Advocate for the respondent No.5.

ORDER

(Passed on this 26th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Sub Divisional Forest Officer in the Sub Division Khelhari was transferred to Surguja Circle on the same terms and conditions vide impugned transfer order dated 29.9.2005 (Annexure P/1).
2. This Court vide interim order dated 5.10.2005 directed that the impugned order in respect of the petitioner be not given effect to till the next date of hearing.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur